



# CITY OF ARLINGTON NOTICE OF DECISION

## Portage Creek Village Site Plan Review

The City of Arlington has issued a Notice of Decision for a Zoning Permit as required by Arlington Municipal Code. The following project has been **APPROVED**, with the conditions listed in the attached permit decision.

**Project Name:** Portage Creek Village

**Proponent:** Mary Carey

**Project Number:** PLN #881

### Description of Proposal:

The applicant is proposing to construct two multi-family buildings of 17 units combined on a 61,778 square foot parcel accessed from Portage Street. The units are located in two adjacent three-story structures with a combination of first floor and surface parking. The structures each measure 10,476 square feet and include garages for six automobiles. The total parking count is 39 stalls plus a bicycle rack to accommodate 4 bikes. Krueger Creek, a tributary of Portage Creek runs through the southern portion of the site. On the north side of the creek there is a preservation zone and the Portage/Krueger Creek Trail. The access is from 81<sup>st</sup> Drive NE, this portion of roadway is currently private and is required to be dedicated as a public street after improvements have been completed. The proposed improvements include a new 5-foot sidewalk, 5-foot landscape strip, curb, and gutter for the entire length of 81<sup>st</sup> Drive. New crossings and street parking will occur at the north end of the street. A total of 0.58 acres are to be disturbed by development and include 1,500 cubic yards of cut and 1,650 cubic yards of fill on the site. Stormwater is proposed to be treated and infiltrated in a gallery located under the southern parking lot.

**Location:** 211xx 81<sup>st</sup> Drive NE

**Permit Decision:** Approved, with Conditions

**Notice of Decision Date:** August 19, 2022

**End of Appeal Period:** September 2, 2022

**Zoning Permit Expiration Date:** August 19, 2024

**Appeals:** A Party of Record may file an appeal of this decision pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on Friday, September 2, 2022, and the appeal fee as set by resolution is paid.

**Staff Contact:** Amy Rusko, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov), 360-403-3550

# ZONING PERMIT

FOR

PORTAGE CREEK VILLAGE

*This certifies that the proposed*  
**MULTI-FAMILY APARTMENTS**

*Located at 211xx 81st Drive NE*

*Meets all applicable requirements, as conditioned in the attached report, of*

TITLE 20

*Of the City of Arlington Municipal Code*



ISSUED BY THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

August 19, 2022

PLN #881

ISSUANCE DATE

FILE No

*[Signature]*  
SIGNATURE



# Community and Economic Development Planning Division

18204 59<sup>th</sup> Avenue NE, Arlington, WA 98223

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## **ZONING PERMIT – SITE PLAN REVIEW STAFF REPORT AND PERMIT DECISION**

### **GENERAL INFORMATION**

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File Number:	PLN #881
Project Title:	Portage Creek Village
Owner:	Mary Carey
Applicant/Contact:	Mary Carey
Description:	Site Plan Review – Multi-Family
Location:	Northwest of the 81 <sup>st</sup> Drive NE and Portage Street Intersection
Address:	211xx 81 <sup>st</sup> Drive NE
Tax Parcel ID:	00776800002300
Lot Size:	1.4 acres/ 61,778sf
Topographical Description:	Generally flat with steep slope to the north
Zoning Classification:	Residential High Capacity
Land Use Designation:	Residential High Capacity
Proposed Use Classification:	1.330 – Multi-Family Apartments
City Approvals Required:	Zoning Permit, Design Review, Civil Permit, Building Permits
Date of Decision:	August 19, 2022
Decision:	<b>APPROVED, with Conditions</b>



## I. NATURE OF APPLICATION

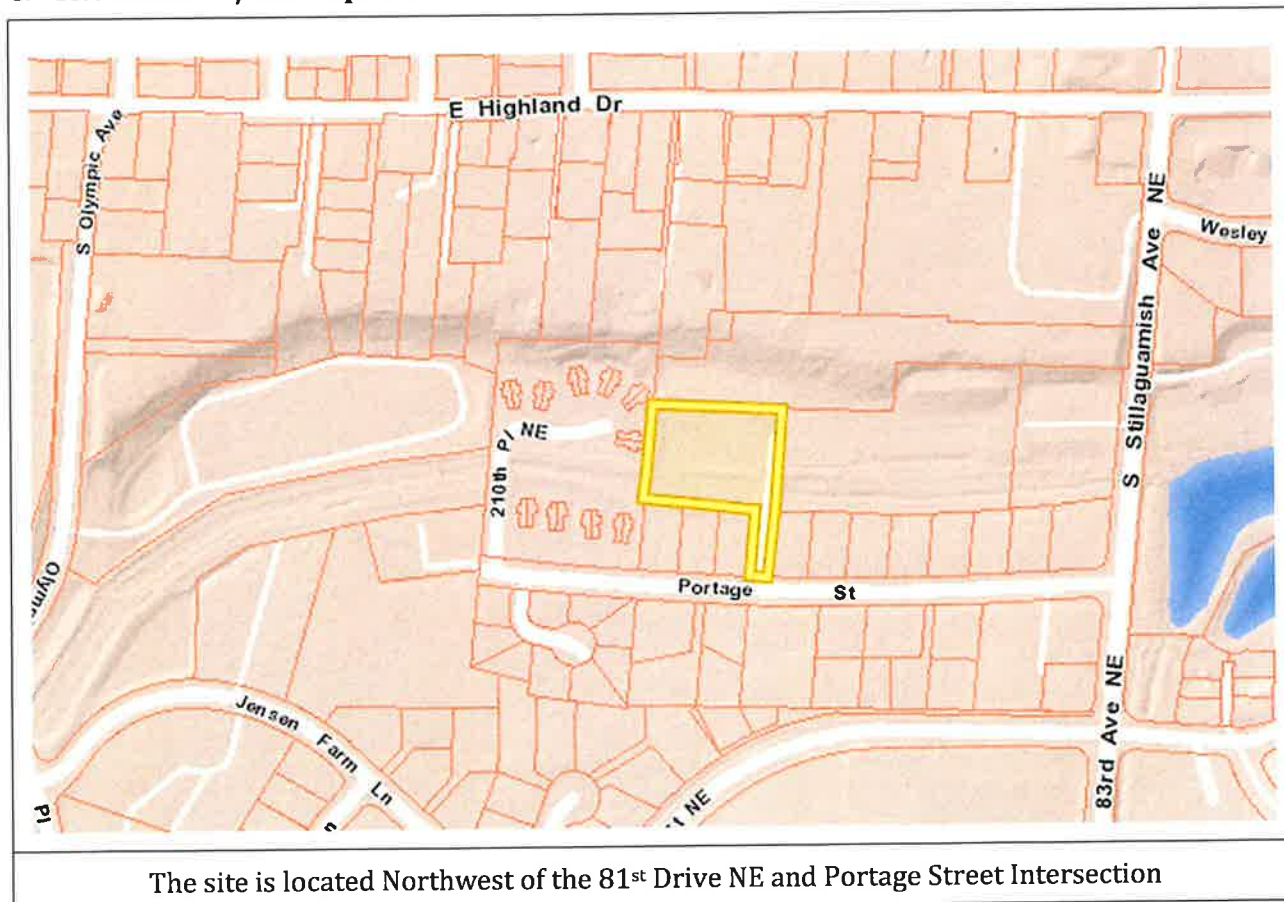
### A. Request

The applicant is proposing to construct two multi-family buildings of 17 units combined on a 61,778 square foot parcel accessed from Portage Street. The units are located in two adjacent three-story structures with a combination of first floor and surface parking. The structures each measure 10,476 square feet and include garages for six automobiles. The total parking count is 39 stalls plus a bicycle rack to accommodate 4 bikes. Krueger Creek, a tributary of Portage Creek runs through the southern portion of the site. On the north side of the creek there is a preservation zone and the Portage/Krueger Creek Trail. The access is from 81<sup>st</sup> Drive NE, this portion of roadway is currently private and is required to be dedicated as a public street after improvements have been completed. The proposed improvements include a new 5-foot sidewalk, 5-foot landscape strip, curb, and gutter for the entire length of 81<sup>st</sup> Drive. New crossings and street parking will occur at the north end of the street. A total of 0.58 acres are to be disturbed by development and include 1,500 cubic yards of cut and 1,650 cubic yards of fill on the site. Stormwater is proposed to be treated and infiltrated in a gallery located under the southern parking lot.

### B. Project Chronology / Background

A formal application for the Zoning Permit was submitted to the Community & Economic Development Department on September 8, 2021, with revised plans submitted on September 16, 2021, February 7, 2022, March 17, 2022, April 29, 2022, July 13, 2022, and August 11, 2022. Staff routed the material to City review staff on September 9, 2022, and after each resubmittal.

### C. Site Location / Description



## D. Site and Adjacent Zoning / Uses

Subject Site

Area	Zoning	Existing Use
Subject Site	Residential High Capacity	Multi-Family Apartments
North	Residential High Capacity	Vacant Land
South	Residential Low Capacity	Single-Family Residential
East	Residential High Capacity	Multi-Family Apartments
West	Residential Low Capacity	Two-Family Residential (Duplex)

## II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

### A. Applicable Review Criteria and Process

The Zoning Permit – Site Plan Review request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

Regulation	Analysis	Meets
<b>Chapter 20.16 AMC, Permits and Final Plat Approval</b>		
<p>20.16.010 (b) Zoning permits are issued under this title only when a review of the application submitted, including plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. All development shall occur strictly in accordance with such approved plans and applications.</p>	<p>The applicant submitted for a Zoning Permit for Site Plan Review. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.</p>	<p>Yes</p>

Regulation	Analysis	Meets																	
20.16.034 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.	The owner, Mary Carey, is the official representative for the subject permit.	Yes																	
20.16.070 (c) Complete Application. Within 28 days of after receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant, stating either: 1. That the application is complete; or, 2. That the application is incomplete and what is necessary to make the application complete.	The application was submitted on September 8, 2021. The City issued a Notice of Incomplete Application on September 15, 2021. The applicant submitted the required additional information on September 16, 2021, and the Notice of Complete Application was issued on September 21, 2021, within the 28-day timeframe.	Yes																	
Chapter 20.36 AMC, Zoning Districts and Zoning Map																			
20.36.010 Residential Districts Established. (f) The Residential High Capacity (RHC) district is established primarily to accommodate the highest capacity residential developments, that are designed to be compatible with their sites and surroundings, building types are typically large-scale multi-family buildings, mixed use buildings, and live/work units.	The subject property for the proposed zoning permit is zoned Residential High Capacity. The proposed use of multi-family apartments is a permissible use within the Residential High Capacity zone.	Yes																	
Chapter 20.38 AMC, Airport Protection District																			
20.38.080 Performance Standards and Miscellaneous Restrictions. Restrictions of the following zones are required of all development under the Airport Protection District Boundaries: (a) Subdistrict A (b) Subdistrict B (c) Subdistrict A, B, and C (d) Subdistrict A, B, C, and D	The subject property is located under Subdistrict D. The applicant is required to obtain an Avigation Disclosure Notice from the Arlington Municipal Airport prior to final occupancy of the building.	Yes																	
Chapter 20.40 AMC, Permissible Uses																			
Chapter 20.40-1 AMC, Table of Permissible Uses																			
Use	RULC	RLC	RMod	RMC	RHC	OTR <sup>29</sup>	NC	OTBD 1	OTBD 2	OTBD 3	GC	CC <sup>30</sup>	HC	BP	LI	GI	AF	MS	P/SP
1.330				ZSC	ZSC					Z									
<ul style="list-style-type: none"><li>1.330 – Multi-Family Apartments</li><li>ZSC = Zoning Permit/Special Use Permit/Conditional Use Permit</li></ul>																			

Regulation	Analysis	Meets
20.40.020 Use of the Designations Z, S, C in Table of Permissible Uses. (b) When used in connection with residential uses, the designation "ZSC" means that such developments of less than twenty dwelling units must be pursuant to a zoning permit, developments twenty or more but less than fifty dwelling units need a special use permit, and developments of fifty or more dwelling units require a conditional use permit.	The proposed project consists of 17 multi-family dwelling units, therefore requiring a zoning permit. The applicant has submitted a zoning permit application and is required to meet the applicable criteria in order to receive approval.	Yes
<b>Chapter 20.46 AMC, Design</b>		
20.46.010 (a) Conformance with Design Standards. Structures within the following zones are subject to the relevant design standards adopted in this chapter. No building or land use permit shall be issued for structures or uses that do not conform to the applicable standards. (1) Zones (I) Residential High Capacity (2) Specific Use Classes (A) Multi-Family Residential	The proposed project is required to submit a Design Review application and receive approval from the Design Review Board prior to the submittal and issuance of the building permit.  *The applicant submitted conceptual elevations; however, this design is not considered approved until a full submittal is reviewed and approved.	No*
<b>Chapter 20.48 AMC, Density and Dimensional Regulations</b>		
20.48.040 Building Setback Requirements. No portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in Table 20.48-1 Density and Dimensional Standards for the Residential High Capacity zone.	The proposed project is within the Residential High Capacity zone and complies with the following regulations.	Yes
<b>Table 20.48-1 Density and Dimensional Standards</b>		
Residential High Capacity	Multi-Family Residential Apartments	
Minimum Lot Size: 4,300 sf	61,778 sf	Yes
Minimum Lot Width: 45 ft	226 - 273 ft	Yes
Non-Arterial Building Setback: 20 ft	25 ft	Yes
Lot Line Building Setback: 5 ft	5 ft	Yes
ECA Buffer: 15 ft	61 ft	Yes
Building Height: 45 ft	42 ft	Yes
Maximum Lot Coverage: 75%	11%	Yes

Regulation	Analysis	Meets						
20.48.042 Sight Visibility Areas at Intersections. At the intersection of two streets, either public or private, no structure, sign, vegetation, or anything else that obscures sight shall exceed 30 inches in height in the area described by a triangle having two 25-foot legs along the curb faces of the streets from the streets' point of intersection, and a diagonal line connecting the ends of these lines.	The proposed project takes access to the site from Portage Street NE and 81 <sup>st</sup> Drive. Both intersections provide sight visibility for vehicular ingress and egress per the approved site plan.	Yes						
<b>Chapter 20.52 AMC, Recreational Facilities and Open Space</b>								
20.52.010 Mini-Parks Required. (c) Residential developments that are small enough so that the amount of required mini-park space does not exceed 2,000 square feet may: (ii) Deposit a fee per expected person as set by resolution into the "In Lieu Park Open Space Fund". Said fund is to be used for acquisition and development of mini-park land or provision of mini-park and recreation services within the service area of the project.	<p>The applicant has proposed to pay the mini park impact fee for 17 multi-family residential dwelling units.</p> <table border="1"> <tr> <th>Mini Park Fee</th><th># of Units</th><th>Total</th></tr> <tr> <td>\$436</td><td>17</td><td>\$7,412</td></tr> </table>	Mini Park Fee	# of Units	Total	\$436	17	\$7,412	Yes
Mini Park Fee	# of Units	Total						
\$436	17	\$7,412						
20.52.024 Community Parks Impact Fee. In addition to the requirements of mini parks each residential development shall pay a Community Park impact fee.	The applicant is required to pay Community Park Impact Fees for 17 multi-family residential dwelling units. The fee amount is located under 20.90 as part of this report.	Yes						
<p>20.52.030 Useable Open Space. Every residential development shall be developed so that at least 5 percent of the total area of the development remains permanently as usable open space.</p> <table border="1"> <tr> <th>Total Area</th><th>Percent</th><th>Total SF</th></tr> <tr> <td>61,778</td><td>X 5%</td><td>3,089</td></tr> </table>	Total Area	Percent	Total SF	61,778	X 5%	3,089	The project proposes to provide 3,975 square feet of open space through three open space areas evenly spaced throughout the property and meets the open space requirement.	Yes
Total Area	Percent	Total SF						
61,778	X 5%	3,089						
<b>Chapter 20.56 AMC, Streets and Sidewalks</b>								
20.56.030 Access to Lots. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Access includes vehicular, pedestrian, bicycle, and other common forms of transportation.	The project proposes vehicular, bicycle, and pedestrian access to the subject property through from Portage Street NE to 81 <sup>st</sup> Drive south of the proposed project. Bicycle racks are located in the center common open space.	Yes						



Regulation	Analysis	Meets
<p>20.56.050 Entrances to Streets. (a) All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:</p> <ol style="list-style-type: none"> <li>1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and</li> <li>2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.</li> <li>3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property.</li> </ol>	<p>The proposed site has one access point to the property. The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> <li>• The proposed entrances are within the required width and provide safe access to the site and convenient flow of traffic.</li> <li>• The proposed driveway provides safe ingress and egress.</li> </ul>	Yes
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the "Public Works Construction Standards and Specifications," and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed project is subject to a Civil permit and Right-of-Way permit. This has been added as a permit condition.</p>	Yes
<b>Chapter 20.60 AMC, Utilities</b>		
<p>20.60.100 Sewage Disposal Facilities Required. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project is required to connect to City of Arlington Sanitary Sewer. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications. This has been added as a permit condition.</p>	Yes
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project is required to connect to City of Arlington water. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications. This has been added as a permit condition.</p>	Yes
<p>20.60.400 Lighting Requirements. (a) All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.</p>	<p>The proposed project has provided sufficient pole lighting throughout the site that will illuminate the building and parking areas per sheet CS01.</p>	Yes

Regulation	Analysis	Meets				
(c) All entrances and exits in substantial buildings used for nonresidential purposes shall be adequately lighted to ensure the safety of persons and the security of buildings.	The proposed project has provided adequate lighting at the building entrance and throughout the site to ensure safety.	Yes				
(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.	The project shall propose low sodium lamps and are down shielded to prevent light pollution. This will be required for Design Review approval.	Yes				
20.60.410 Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited.	The proposed project has provided down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way.	Yes				
20.60.450 Underground Utilities. All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.	All proposed utilities to and on the site shall be located underground. All utility lines are required to be shown on the Civil plans and shall be approved by the City of Arlington prior to construction activities on the site. This has been added as a permit condition.	Yes				
Chapter 20.72 AMC, Parking						
20.72.010 Number of Parking Spaces Required. (a) All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.	The proposed project is located within the Residential High Capacity zone and the proposed use is Multi-Family Apartments. All required parking spaces have been met for the uses, see table below.	Yes				
(d) Uses in Table 20.72-1: Table of Parking Requirements are indicated by a numerical reference keyed to the Table of Permissible Uses.	The proposed uses with this project include the following:  1.330 – Multi-Family Apartments	Yes				
Table 20.72-1 Table of Parking Requirements						
<table><tr><th>Use</th><th>Required Parking Stalls</th></tr><tr><td>1.330</td><td>2 spaces per unit, plus 1 space per 4 units. (17 x 2 = 34 + 17/4 = 4.25 = 39 spaces)</td></tr></table>	Use	Required Parking Stalls	1.330	2 spaces per unit, plus 1 space per 4 units. (17 x 2 = 34 + 17/4 = 4.25 = 39 spaces)	The project proposes a total of 39 parking spaces and meets the minimum required spaces.	Yes
Use	Required Parking Stalls					
1.330	2 spaces per unit, plus 1 space per 4 units. (17 x 2 = 34 + 17/4 = 4.25 = 39 spaces)					
20.72.030 Parking Space Dimensions. Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.	The project site plan shows 39 standard parking stalls that are 9 feet wide and 20 feet in length.	Yes				

Regulation	Analysis	Meets																							
20.72.040 Required Widths of Parking Area Aisles and Driveways. <table><tr><th rowspan="2">Parking Angle</th><th colspan="5">Aisle Width</th></tr><tr><th>0°</th><th>30°</th><th>45°</th><th>60°</th><th>90°</th></tr><tr><td>One-Way Traffic</td><td>13'</td><td>11'</td><td>13'</td><td>18'</td><td>24'</td></tr><tr><td>Two-Way Traffic</td><td>22'</td><td>22'</td><td>22'</td><td>22'</td><td>24'</td></tr></table>	Parking Angle	Aisle Width					0°	30°	45°	60°	90°	One-Way Traffic	13'	11'	13'	18'	24'	Two-Way Traffic	22'	22'	22'	22'	24'	The project site plan shows a two-way aisle width of 26 feet within the parking lot area, which exceeds the required aisle width.	Yes
Parking Angle		Aisle Width																							
	0°	30°	45°	60°	90°																				
One-Way Traffic	13'	11'	13'	18'	24'																				
Two-Way Traffic	22'	22'	22'	22'	24'																				
20.72.060 Parking Area Surface. (a) All parking areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Public Works Construction Standards and Specifications. (b) Parking spaces shall be appropriately demarcated with painted lines or other markings. (c) Parking areas shall be properly maintained in all respects.	The project site plan shows paving throughout all parking spaces on the site and the striping of all parking spaces. These requirements shall be reviewed and approved through the Civil permit.	Yes																							
20.72.064 Accessible Parking Spaces. All handicapped parking spaces shall meet all State and Federal Regulations. The parking spaces shall be at least 8 feet wide and shall have an adjacent access aisle at least 5 feet wide. The parking spaces shall have adjacent aisle access to the sidewalk, have required striping and provide display symbols required on the pavement and signage.	The project site plan shows the layout of the accessible parking spaces. The proposed spaces provide 9 feet of adjacent striped area between the two required accessible parking spaces, along with adequate striping and signage.	Yes																							
20.72.110 Bicycle Parking Facilities. All multi-family uses in excess of four units shall provide parking facilities for bicycles at a ratio of 1 “stall” per every ten required parking spaces.	The proposed project has provided 4 stalls as shown on the approved site plan in the center open space located between the two buildings.	Yes																							
Chapter 20.76 AMC, Screening and Trees																									
20.76.020 General Screening Standard. Every development shall provide sufficient screening sot that: 1. Neighboring properties are shielded from any adverse external effects of that development. 2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads.	The project is in the Residential High Capacity zone. Properties located to the north and east are zoned Residential High Capacity and properties located to the south and west are zoned Residential Low Capacity. The proposed landscape plan shows that adequate screening is provided between the proposed use and the street and the proposed use and neighboring properties.	Yes																							

Regulation	Analysis	Meets
20.76.030 Compliance with Screening Standard. The table set forth in 20.76.050, in conjunction with the explanations in 20.76.040 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in 20.76.020. The table uses the permissible use designation to determine the type of screening that is required between two uses.	<p>The proposed project 1.330 – Multi-Family Apartments</p> <p>The project is a similar use to the abutting properties to the north and east. The project has provided and met the Type B landscaping requirement for the south and west property lines. To the south the project has provided landscape screening of the parking area, future public access trail, and has the Krueger Creek Preservation area. The west side has provided trees with additional plantings.</p>	Yes
20.76.040 (b) Semi-Opaque Screen, Type B. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet.	The proposed landscape plan shows that Type B landscaping has been provided along the south and west property lines. Additional landscaping has been provided within the parking lot and for the screening of the parking lot.	Yes
20.76.110 Required Trees Along Dedicated Streets. The developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works Standards and Specifications.	The project has provided full frontage improvements along 81 <sup>st</sup> Drive NE, including street trees. The site plan shows 4 street trees in front of the project, north of Kruger Creek. The applicant is required to plant trees within the planting strip along the east side of 81 <sup>st</sup> Drive NE from the project area to Portage Street.	Yes
20.76.130 Shade Trees in Parking Area. Vehicle accommodation areas that are paved are required to provide trees that shade 20 percent of the parking area.	The landscape plan shows the on-site pavement includes 10,714 square feet. The required pavement shading is 2,117 square feet and 3,011 pavement shading has been provided. The shading requirement has exceeded the shading requirement by providing 28%.	Yes



Regulation	Analysis	Meets						
<p>20.76.140 Maintenance of Screening and Shading Elements. All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standards:</p> <ol style="list-style-type: none"> <li>1. All plant material shall be maintained with respect to pruning, trimming, mowing, watering, insect control, and fertilizing to maintain a healthy growing condition, create an attractive appearance, and to accomplish the purpose for which it was required.</li> <li>2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans.</li> <li>3. All screening and shading elements shall be maintained reasonably free of weeds and trash.</li> <li>4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner.</li> </ol>	<p>The final landscape plan shall be approved with the Civil Permit. The required maintenance of the landscaping on the property and within the right-of-way will be conditioned on this permit decision.</p>	Yes						
<b>Chapter 20.90 AMC, Concurrency &amp; Impact Fees</b>								
<p>20.90.040 (a) Imposition of Impact Fees on Development Activity. All development projects within the City shall be assessed a transportation impact fee, at the rate of \$3,355.00, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City's transportation element of the adopted Comprehensive Plan.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Gibson Traffic Consultants in June 2022. The traffic analysis concluded that the proposed use would produce 10 new PM peak-hour-trips to the site. The city concurs with the amount proposed for City of Arlington Traffic Impact Fees as shown below.</p> <table border="1"> <thead> <tr> <th>Traffic Fee</th><th># Of Trips</th><th>Total Amount</th></tr> </thead> <tbody> <tr> <td>\$3,355.00</td><td>10</td><td>\$33,550</td></tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	10	\$33,550	Yes
Traffic Fee	# Of Trips	Total Amount						
\$3,355.00	10	\$33,550						
<p>20.90.230 School Impact Fees. Each development activity, as a condition of approval, shall be subject to the school impact fee of \$3,455 per two/+ bedroom multi-family dwelling unit.</p>	<p>The applicant has not provided the bedroom unit count for the project at this time. The total amount due will be added to the building permit when submitted. This has been added as a condition of the permit decision.</p>	Yes						
<p>20.90.400 Community Parks Impact Fee. In addition to the requirements of mini parks, each residential development shall pay a Community Park impact fee of \$1,497 for each multi-family dwelling unit prior to issuance of a building permit.</p>	<p>The applicant is required to pay the following Community Parks Impact Fee.</p> <table border="1"> <thead> <tr> <th>Community Park Impact Fee</th><th># of units</th><th>Total Amount</th></tr> </thead> <tbody> <tr> <td>\$1,497</td><td>17</td><td>\$25,449.00</td></tr> </tbody> </table>	Community Park Impact Fee	# of units	Total Amount	\$1,497	17	\$25,449.00	Yes
Community Park Impact Fee	# of units	Total Amount						
\$1,497	17	\$25,449.00						

Regulation	Analysis	Meets
<b>Chapter 20.93 AMC, Critical Area Ordinance</b>		
<p>20.93.230 Compliance. All land uses or development applications shall be reviewed to determine whether an environmentally critical area exists on the property for which the application is filed, what the action's impact to any existing environmentally critical area would be, and what actions are required for compliance with this chapter.</p>	<p>The City of Arlington concludes that Krueger Creek is located on the south side of the subject property. Krueger Creek was previously delineated and is within an established preservation easement. The proposed building is located 61 feet from the northern boundary of the preservation area. There is a steep slope to the north of the subject property but does not impact this proposed development.</p> <p>The applicant completed a Cultural Resources Inventory of the Portage Street Townhomes Project, completed by Tierra, and submitted to the City on August 11, 2022. The report was forwarded to the Stillaguamish Tribe for review and approval per the comment received during the SEPA Determination Public Comment period. The permit decision shall be conditioned accordingly.</p>	<p>Yes</p>
<b>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</b>		
<p>20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.</p>	<p>The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on May 13, 2022. The comment period for the MDNS was from May 16, 2022 to May 31, 2022.</p> <p>One agency comment was received during the comment period.</p> <ol style="list-style-type: none"> <li>1. Stillaguamish Tribe of Indians requested the applicant complete an Archaeological Report for the site.</li> </ol> <p>One citizen public comment was received via voicemail during the comment period.</p> <ol style="list-style-type: none"> <li>1. Sandra Johnson stated she was not happy with the proposed development.</li> </ol>	<p>Yes</p>

Regulation	Analysis	Meets
<b>Chapter 13.28 AMC, Stormwater</b>		
13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards:  (3) New Development	The proposed project is subject to meeting the required stormwater regulations for the site. A Site Civil Permit shall be required for all site improvements. The approval of the stormwater system takes place during this review process. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington. This has been added as a permit condition.	Yes

### III. CONCLUSIONS

Under AMC 20.16.100, the Community Development Director shall issue the requested Zoning permit unless he concludes after reviewing the application that:

Regulation	Analysis	Meets
(a) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested site plan review is within the City of Arlington's jurisdiction per the above zoning map and permissible use table.	Yes
(b) The application is incomplete.	The application for the subject site plan review was deemed complete on September 21, 2021.	Yes
(c) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed site plan review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(d) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code.	The proposed site plan review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

### IV. ADMINISTRATIVE DECISION

The proposed project was found to be consistent with and meets the intent of the Arlington Zoning Code, Comprehensive Plan, and the Arlington Municipal Code, therefore the Zoning Permit – Site Plan Review for Portage Creek Village (PLN #881) is hereby APPROVED, subject to the following conditions.

## V. CONDITIONS

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### Zoning Permit:

1. All development shall be in substantial conformance with the approved site plans received on July 13, 2022, subject to any conditions or modifications that may be required as part of the permit review.
2. The developer shall meet all local, state, or federal code requirements. Attached is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The property owner is required to obtain an Avigation Disclosure Notice with the Arlington Municipal Airport prior to certificate of occupancy of the building.
4. The proposed project is required to submit a Design Review application and receive approval from the Design Review Board prior to the submittal and issuance of the building permit. The applicant submitted conceptual elevations; however, this design is not considered approved until a full submittal is reviewed and approved.
5. The applicant is required to plant trees within the planting strip along the east side of 81<sup>st</sup> Drive NE from the project area to Portage Street.
6. The applicant shall contact the Stillaguamish Tribe of Indians prior to ground disturbance and allow for Tribal Monitors on the site during all groundwork.
7. The property owner shall maintain all landscaping required for the life of the project per AMC 20.76.

### SEPA MDNS:

8. **(B)(1) Earth:** In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.
9. **(B)(2) Air:** In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.
10. **(B)(3)(b) Ground Water:** In order to mitigate for potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.
11. **(B)(3)(c) Water Runoff:** In order to mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater. The source of runoff is upstream flow from the north and direct precipitation. Upstream flows will be collected in an interceptor trench along the north boundary line and directed to the Preservation Zone of Krueger Creek to a level spreader to continue downstream. Site runoff and roof drainage will be collected in catch basins, directed to treatment facilities, and then infiltrated into the ground. The proposed stormwater infiltration facility will be a rock filled gallery located under the southern parking stalls.
12. **(B)(4)(b) Plants:** Existing trees and non-invasive vegetation within the Krueger Creek Preservation Zone will remain. The remainder of the site will be cleared and replanted per the approved landscape plan.



13. **(B)(5)(d) Animals:** The applicant shall protect the Krueger Creek Preservation Zone identified on the southern portion of the property.
14. **(B)(7)(a) Environmental Health:** Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.
15. **(B)(7)(b) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.
16. **(B)(8)(L) Land and Shoreline Use:** The property owner shall file and record an Arlington Airport Disclosure Statement due to the property being located within the Airport Protection District D.
17. **(B)(10) Aesthetics:** The proposal is required to meet the City of Arlington Development Design Standards and go through the Design Review Board process prior to building permit issuance.
18. **(B)(11)(a) Light and Glare:** To mitigate for potential light pollution, the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict D – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.
19. **(B)(12)(c) Recreation:** To mitigate the impacts on recreation, including recreation opportunities. The Applicant is providing 3 open spaces of 3,975 sf combined. In addition to The Portage/Krueger Creek Trail when it is completed will provide a unique recreational opportunity. The applicant shall pay Community Park Impact Fees in the amount of \$1,497.00 and Neighborhood Park Impact Fees in the amount of \$436.00 per multi-family dwelling unit.
20. **(B)(13) Historic and Cultural Preservation:** If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The property owner shall contact the Stillaguamish Tribe for tribal monitoring prior to ground disturbance of the site and follow the Unanticipated Discovery Plan on file.
21. **(B)(14)(d) Transportation:** The proposal is required to dedicate 81<sup>st</sup> Drive NE to the city and after improvements have been completed.
22. **(B)(14)(f) Transportation:** Trip generation has been calculated by Gibson Traffic Consultants through a Traffic Impact Analysis. The report references land use code 220 for low rise multi-family per the ITE Trip Generation Manual, 10<sup>th</sup> Edition and calculates the rate at 0.56 PM trips per unit. The project proposes 17 units, which results in 10 PM Peak Hour Trips. The Applicant is required to pay Traffic Mitigation fees in the amount of \$33,550.00 to the City of Arlington. City traffic mitigation fees shall be paid prior to building permit issuance.
23. **(B)(15) Public Services:** The applicant shall pay Arlington School District Mitigation Fees in the amount of \$3,455.00 for each unit with 2+ bedrooms. The applicant shall provide proof of payment prior to building permit issuance.
24. **(B)(16)(a) Utilities:** The applicant shall connect to the City of Arlington water and wastewater systems, extend utility lines as necessary and pay water and sewer connection fees. All improvements shall be installed during the Site Civil Construction phase of the project. Connection fees shall be paid at the time of building permit issuance. All utilities shall be installed underground.

#### Site Civil Permit:

25. A Site Civil construction permit shall be applied for and approved prior to any land disturbance on the subject property.
26. A Right-of-Way Permit shall be required for all work within the City of Arlington right-of-way.
27. The Final Landscape Plans shall be approved with the Site Civil plans.
28. Prior to any construction activities, the applicant shall file and receive approval of site civil construction plans, which comply with all requirements of the Arlington Municipal Code, International Building Code(s), International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
29. The developer shall comply with AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology Stormwater Management Manual for Western Washington.
30. The Applicant shall connect to City of Arlington water and sanitary sewer. All proposed improvements shall be shown and approved on the Site Civil Plans.
31. The Applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

#### Building:

32. A building permit application shall be reviewed and approved prior to building construction on the site.
33. All building permits shall meet the most current edition of the International Building Code.
34. The proposed development is subject to a water and sanitary sewer utility application and payment of applicable utility connection charges. All fees shall be paid at the time of building permit issuance.

#### Other:

35. All contractors working on the subject site shall obtain a City of Arlington Business License through the Washington State Department of Licensing.

## VI. EXPIRATION

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Per AMC 20.16.220, a Zoning Permit shall expire automatically if, within two (2) years after the issuance of such permits:

1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
2. Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site.

## VII. APPEAL

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This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on Friday, September 2, 2022, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 19<sup>th</sup> DAY OF August, 2022



Marc Hayes, Community and Economic Development Department Director

### Distributed to the Following Parties:

Mary Carey, Owner

## ATTACHMENT B CODE REQUIREMENTS

**NOTE:** The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.
2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, streetlights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
  - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
  - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
  - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
  - d. The developer shall submit to the Community & Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
  - e. The developer shall place all new utility lines underground.
  - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
  - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
  - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
  - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.



3. **Construction Phase.** The following conditions shall apply during construction.
- a. The developer shall follow all applicable noise and other nuisance codes.
  - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
  - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
  - d. The restrictions of the AMC shall apply to any and all grading.
4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
- a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
  - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
  - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
  - d. Install a sanitary sewer system per COA Public Works Design, Construction Standards and Specifications. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
  - e. Install a permanent storm water control system per AMC Chapter 13.28.
  - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)